

REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO

RELOCATION RULES FOR THE CITY HEIGHTS REDEVELOPMENT PROJECT

SECTION VIII

THE PLAN AND METHOD FOR RELOCATION

Section 33352(d) of the Community Redevelopment Law requires this Report to Council on the proposed Redevelopment Plan to present a plan and method of relocation for those site occupants who may be displaced by Agency action.

A. INTRODUCTION

1. Agency Displacement

As noted earlier in this Report, the Agency anticipates that its program of redevelopment, by assisting in needed property rehabilitation and upgrading and installing needed public improvements and facilities within the Project Area will provide an incentive for the private sector to develop or redevelop vacant, underutilized and blighted properties in the designated commercial nodes. As an additional aid to the private sector, the Agency also may selectively acquire and dispose of property: 1) to encourage the development of affordable housing; 2) to aid in the reuse of the land after the upgrade or installation of public improvements; 3) to eliminate non-conforming and other blighting uses; 4) in response to property-owner and developer initiated efforts where public assistance is necessary to assemble property needed for expansion of existing uses or to create developable sites for proposed new uses; and 5) as "opportunity" acquisitions in which an existing owner may desire to sell to pursue opportunities out of the Project Area. To the extent that the Agency acquires occupied property for land assembly or other purposes, or enters into agreements with developers or others under which occupants will be required to move, the Agency will cause or will be responsible for causing such displacement of occupants. The Agency is not responsible for any displacement that may occur because of private development activities not directly assisted by the Agency under a disposition and development, owner participation, or other agreements.

2. Relocation in the Event of Agency Displacement

As noted above, some displacement of residents or businesses is to be anticipated under current Agency plans. If and when displacement occurs, the Agency will provide those persons and businesses displaced by Agency activities with monetary and advisory relocation assistance consistent with the California Relocation Assistance Law (Government Code, Sections 7260, et seq.), the State Guidelines adopted and promulgated pursuant thereto, Relocation Rules and Regulations adopted by the Agency, and the provisions of the Redevelopment Plan for the Project.

The Agency will pay all relocation payments required by law. The following portions of this Report outline the general

relocation rules and procedures that must be adhered to by the Agency in activities requiring the relocation of persons and businesses. Also identified below are the Agency determinations and assurances that must be made prior to undertaking relocation activities. The Agency's functions in providing relocation assistance and benefits are also summarized.

3. Rules and Regulations

The Agency has adopted rules and regulations ("Relocation Rules and Regulations") that: 1) implement the requirements of the California Relocation Assistance Law (the "Act"); 2) are in accordance with the provisions of the California Department of Housing and Community Development's "Relocation Assistance and Real Property Acquisition Guidelines" (the "State Guidelines"); 3) meet the requirements of the California Community Redevelopment Law and provisions of the Redevelopment Plan; and 4) are appropriate to the particular activities of the Agency and not inconsistent with the Act or the State Guidelines. Such rules and regulations issued by the Agency shall be promptly revised as necessary to conform to applicable amendments of the Act, the California Community Redevelopment Law, or the State Guidelines.

4. Agency Determinations and Assurances

a. The Agency may not proceed with any approval of a project or other activity that will directly result in the displacement of any person or business until it makes the following determinations:

1. Fair and reasonable relocation payments will be provided to eligible persons and businesses as required by the Act, the State Guidelines, and Agency Relocation Rules and Regulations adopted pursuant thereto.

2. A relocation assistance advisory program offering the services described in Article 2 of the State Guidelines will be established.

3. Eligible persons and businesses will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures, provided for in the State Guidelines and Relocation Rules and Regulations.

4. A supplemental Relocation Plan meeting the requirements of the Act, the State Guidelines, and the Agency's Relocation Rules and Regulations has been prepared as appropriate under the Agency's Relocation Rules and Regulations.

5. In the event that displacement involves housing, and based upon a recent survey and analysis of both the housing needs of the persons who will be displaced and available

replacement housing, including a consideration of competing demands for that housing, comparable replacement dwellings will be available, or provided, if necessary, within a reasonable period of time prior to displacement sufficient in number, size, and cost for the eligible persons who require them.

6. In the event that displacement involves housing, adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons to comparable replacement housing available without regard to race, color, religion, sex, marital status, national origin, or other arbitrary circumstances and with a minimum of hardship to those effected.

b. No person or business shall be displaced until the Agency has fulfilled the obligations imposed by the Act, the California Community Redevelopment Law, the Redevelopment Plan, the State Guidelines, and the Agency's Relocation Rules and Regulations.

c. In the event that displacement involves housing, no persons or families of low and moderate income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary, and an otherwise standard dwelling.

d. For any portion of the Project Area developed with low or moderate income housing units, the Agency shall require, by contract or other appropriate means, that such housing be made available for rent or purchase to the persons and families of low and moderate income displaced by the Project. Such persons and families shall be given priority in renting or buying such housing; provided, however, that failure to give such priority shall not affect the validity of title to real property.

e. In the event that displacement involves housing, and if insufficient suitable housing units are available in the community for low and moderate income persons and families to be displaced from the Project Area, the Agency shall assure that sufficient land is made available for suitable housing for rental or purchase by low and moderate income persons and families. If insufficient suitable housing units are available in the City for use by such persons and families of low and moderate income displaced by the Project, the Agency may, to the extent of that deficiency, expend funds and take such other actions as necessary to provide, rehabilitate, or construct, or cause the provision, rehabilitation, or construction of last resort housing through methods including but not limited to the following:

1. Transfer of funds to state and local housing

agencies;

2. Contract with organizations experienced in the development of housing;
3. Direct development, rehabilitation, or construction by the Agency;
4. Financing of development, rehabilitation, or construction by the Agency;
5. Providing of housing subsidies as permitted by law.

f. In the event that displacement involves housing, permanent housing facilities shall be made available within three years from the time any occupants thereof are displaced, and pending the development of such facilities there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the City at the time of their displacement.

g. In the event that, and whenever dwelling units housing persons and families of low or moderate income are destroyed or removed from the low and moderate income housing market as part of the Project, the Agency shall prepare a housing replacement plan and, within four years of such destruction or removal, rehabilitate, develop, or construct, or cause to be rehabilitated, developed, or constructed, for rental or sale to persons and families of low or moderate income an equal number of replacement dwelling units at affordable housing costs within the Project Area or the City, as provided for in the Redevelopment Plan and as allowed by the City Heights Community Plan.

5. Replacement Housing Plan

In the event that redevelopment activities result in the destruction or removal of low and moderate income housing units from the housing market, a Replacement Housing Plan shall be prepared as follows:

Not less than 30 days prior to the execution of an agreement for acquisition of real property, or the execution of an agreement for the disposition and development of property, or the execution of an owner participation agreement, which agreement would lead to the destruction or removal of dwelling units from the low and moderate income housing market, the Agency shall adopt by resolution a replacement housing plan. For a reasonable time prior to adopting a replacement housing plan, the Agency shall make available a draft of the proposed replacement housing plan for review and comment by the residents and businesses in the affected area, other public agencies, and the general public.

The replacement housing plan shall include those elements required by the Community Redevelopment Law. A dwelling unit housing persons of low or moderate income whose replacement is required by the Agency, but for which no replacement housing plan has been prepared, shall not be destroyed or removed from the low and moderate income housing market until the Agency has by resolution a replacement housing plan with respect to such dwelling unit.

B. Relocation Assistance Advisory Program and Assurance of Comparable Replacement Housing

The Agency shall implement a relocation assistance advisory program that satisfies the requirements of the Act, Article 2 of the State Guidelines, and the Civil Rights Act. Such program shall be administered to provide advisory services that offer maximum assistance to minimize the hardship of displacement and to ensure that (a) all persons displaced from their places of business are assisted in reestablishing with a minimum of delay and loss of earnings, and (b) in the event that displacement involves housing, all persons and families displaced from their dwellings are relocated into housing meeting the criteria for comparable replacement housing contained in the State Guidelines and Agency's Relocation Rules and Regulations. No eligible person shall be required to move from his/her dwelling unless within a reasonable period of time prior to displacement a comparable replacement dwelling or, in a temporary move, an adequate replacement dwelling is available to such person.

The following outlines the general functions of the Agency in providing relocation assistance advisory services. Nothing in this section is intended to permit the Agency to displace persons or businesses other than in a manner prescribed by law, the State Guidelines, and the adopted Agency Relocation Rules and Regulations.

1. Administrative Organization

a. Responsible Entity

The Redevelopment Agency of the City of San Diego is responsible for providing relocation payments and assistance to site occupants displaced by the Agency from the Project Area. The Agency has designated City Heights Development Corporation (CHDC) as the organization to administer and carry out the duties and obligations imposed by the Agency in carrying out the relocation activities required in implementing the Redevelopment Plan. CHCD will meet its relocation responsibilities through its staff and consultants, supplemented by assistance from local realtors and civic organizations.

b. Functions

The City Heights Development Corporation staff and/or consultants will perform the following functions:

1. Prepare a Supplemental Relocation Plan as soon as possible following the initiation of negotiations for acquisition of real property by the Agency and prior to proceeding with any phase of a public improvement or facility or other implementation activity that will result in any displacement other than an insignificant amount of non-residential displacement. Such Supplemental Relocation Plan shall conform to the requirements of the Agency's Relocation Rules and Regulations. The Agency or its consultants shall interview all eligible business concerns, including nonprofit organizations, and effected persons to obtain information upon which to plan for housing, if necessary, and other accommodations, and to provide counselling and assistance needs.
2. Provide such measures, facilities, or services as needed in order to:
 - a. Fully inform persons and businesses eligible for relocation payments and assistance within 15 days of the initiation of negotiations for a parcel of land as to the availability of relocation benefits and assistance and the eligibility requirements therefor, also the procedures for obtaining such benefits and assistance, according to the requirements of the Agency's Relocation Rules and Regulations.
 - b. Determine the extent of the need of each such eligible person or business for relocation assistance according to the requirements of the Agency's Relocation Rules and Regulations.
 - c. Provide current and continuing information on the availability, prices, and rentals of comparable commercial properties and locations, and of comparable sales and rental housing, if necessary, and as to security deposits, closing costs, typical downpayments, interest rates, and terms for residential property in the area.
 - d. Assist each eligible person and business to complete applications for payments and benefits.
 - e. Assist each eligible person displaced from his/her business in obtaining and becoming established in a suitable replacement location.
 - f. Provide any services required to ensure that the relocation process does not result in different or separate treatment due to race, color, religion, national origin, sex, marital status, or other arbitrary circumstances.
 - g. Supply to such eligible persons

information concerning disaster loans and other programs administered by the Small Business Administration, federal and state housing programs, and other federal or state programs offering assistance to displaced persons and businesses.

h. Provide other advisory assistance to eligible persons so as to minimize their hardships. As needed, such assistance may include counselling and referrals with regard to housing, financing, employment, training, health and welfare, and other assistance.

i. Inform all persons who are expected to be displaced about the eviction policies to be pursued in carrying out the Redevelopment Project, which policies shall be according to the provisions of the Agency's Relocation Rules and Regulations.

j. Notify in writing each individual tenant and/or owner-occupant to be displaced at least 90 days in advance prior to requiring a person to move from a dwelling or to move a business. In the event that acquisition is taking place within the context of eminent domain, this notice may be in the form of an Order for Prejudgment Possession.

k. In the event that displacement involves housing, assure eligible persons that within a reasonable period of time prior to displacement there will be available comparable replacement housing meeting the criteria described in the Agency's Relocation Rules and Regulations, sufficient in number and kind for, and available to, such eligible persons.

l. In the event that displacement involves housing, assist each eligible person to obtain and move to a comparable replacement dwelling.

2. Information Program

The Agency, through its staff and/or consultants, shall establish and maintain an information program that provides for the following:

a. Within 15 days following the initiation of negotiations and not less than 90 days in advance of displacement, except those situations described in subsection 301(4) of the Agency's Relocation Rules and Regulations, the Agency shall prepare and distribute informational materials (in the language most easily understood by the recipients) to persons and businesses eligible for Agency relocation benefits and assistance. Such informational material shall be provided in the same form as Exhibits A and B, attached hereto.

b. Conducting personal interviews and maintaining

personal contacts with occupants of the property to the maximum extent practicable.

c. Utilizing meetings, newsletters, and other mechanisms, including local media available to all persons, for keeping occupants of the property informed on a regular basis.

d. Providing each person and business written notification as soon as his/her eligibility status has been determined.

e. Explaining to persons interviewed the purpose of a relocation needs survey, the nature of relocation payments and assistance to be made available, and encouraging them to visit the relocation office for information and assistance.

3. Relocation Record

The Agency shall prepare and maintain an accurate relocation record for each person and business to be displaced as required by the Agency's Relocation Rules and Regulations.

4. Relocation Payments

The Agency shall make relocation payments to or on behalf of eligible displaced persons and businesses according to the Agency's Relocation Rules and Regulations. The obligations for relocation payments are in addition to any acquisition payments made pursuant to the Agency's real property acquisition guidelines, which were adopted at the time the Agency's Relocation Rules and Regulations were adopted.

5. Temporary Moves

Temporary moves would be required only if adequate resources for permanent relocation sites were not available. Agency staff and/or consultants shall make every effort to assist the site occupant in obtaining permanent relocation resources prior to initiation of a temporary move, and then only after it is determined that Project Area activities will be seriously impeded if such move is not performed.

6. Relocation Resources Survey

In the event that displacement involves housing, the Agency shall conduct a survey of available relocation resources according to the Agency's Relocation Rules and Regulations.

7. Last Resort Housing

In the event that displacement involves housing, the Agency shall follow the Agency's Relocation Rules and Regulations

for assuring that if the Agency action results, or will result, in displacement, and comparable replacement housing will not be available as needed, the Agency shall use its funds or fund authorized for the Project to provide such housing.

8. Grievance Procedures

The Agency has adopted grievance procedures to implement the provisions of the Act and the State Guidelines. The purpose of the grievance procedures is to provide Agency requirements for processing appeals from Agency determinations as to the eligibility for, and the amount of, a relocation payment and for processing appeals from persons aggrieved by the Agency's failure to refer them to comparable permanent or adequate temporary replacement housing. Potential displacees will be informed by the Agency of their right to appeal regarding relocation payment claims or other decisions made affecting their relocation. (A copy of the Agency's Relocation Grievance Procedures is attached as Exhibit C.)

9. Relocation Appeals Board

The Agency may appoint a relocation appeals board composed of five members, and approved by the City Council. The relocation appeals board shall promptly hear all complaints brought by potential displacees and residents of the Project Area relating to relocation and shall determine if the Agency has complied with the applicable State and local relocation requirements and where applicable, federal regulations. The board shall, after a public hearing, transmit its findings and recommendations to the Agency.

C. OBTAINING RELOCATION HOUSING

1. Private Housing

The Agency has received excellent cooperation from property owners, operating managers, realtors, multiple listing bureaus, property management firms, and others offering a variety of private standard housing for rent or for sale. Based on this relationship, an adequate supply of replacement housing for use in carrying out the Agency's relocation program has been available. This relationship has been continually strengthened through the years and is expected to continue.

The Agency shall give priority to those displaced by public action in the rental or purchase of subsidized and Section 8 housing, as well as in other properties acquired by the Agency for rehabilitation, when available. The Agency will require sponsors of such programs to accord preference to displacees from the Project Area, and this will be particularly true where such housing is to be developed within the Project Area.

The Agency will obtain, and maintain current listings of

standard rental and sale properties that are appropriate for relocation that are available on a nondiscriminatory basis. Information on the size, rental or sale price, financing terms and location of available units will be given to displacees seeking referrals, and, as necessary the relocation staff will provide transportation or otherwise assist the site resident in his/her search for housing.

2. Public Housing

The San Diego Housing Commission grants displacees priority in placement and has simplified referral procedures and procedures for the conversion of units to meet the special needs of large families, the physically disabled and the elderly. Special income limits are established by the Housing Commission for admission of eligible displacees.

Families receiving Aid to Dependent Children and low income families and individuals not receiving public assistance shall pay rent based on 30 percent of net income, regardless of the number of bedrooms required. All rents for these persons are now subsidized by the Federal Government under provisions of the Brooke Amendment.

3. Special Rehousing Problems

Immediately after acquisition of a property, the relocation consultant will interview the occupants to obtain information pertinent to special rehousing and social needs of the individual or family. Particular effort will be made to anticipate and aggressively seek solutions for problems of individuals or groups of displacees among the elderly, low-income, large families, racial minorities, physically handicapped, and unemployed. The Redevelopment Agency will work cooperatively with other groups and agencies, make appropriate referrals, and otherwise obtain for displacees the assistance essential to their successful rehousing.

D. RELATIONSHIPS WITH SITE OCCUPANTS

1. Information Program

The Agency through its staff and/or relocation consultant will implement an informational program for site occupants and displacees to advise them on the Agency's plans and programs. The Project Area Committee or other advisory committee also will play an important role in keeping project residents, businesses, and the general community fully informed on the activities of the Agency in the Project Area.

This will be done by personal interview and contacts, general mailings and distribution of informational material, group and public meetings to provide information and answer questions,

regular staff attendance at meetings of various groups, etc. All these efforts will be continued throughout the project operations to insure that each site occupant is fully informed as to the time schedules, relocation program, opportunities for relocation housing, relocation services, and other available benefits.

2. Interviews with Site Occupants

When practical, after the first offer to purchase property, the relocation consultant and/or staff will meet with families and individuals occupying the premises. The interviewer will discuss and explain the contents of the Informational Statement, Rental Agreement, and other applicable materials. As evidence that the displacee has been properly notified, the displacee will be requested to sign a receipt for the Informational Statement, which fully describes the rights under the redevelopment program, the services offered for relocation, the regulations and procedures for obtaining relocation payments, etc.

The relocation consultant and/or staff also will update any information obtained in prior interviews with the displacees and ascertain precise relocation needs and problems, from which the displacees will be assisted in formulating and carrying their approach to relocation. As necessary, the displacee will be referred to appropriate agencies or resources for special services.

3. Project Site Office

Whenever possible, the Agency shall establish a site office where the assigned relocation consultant will work closely with all displacees and appropriate agencies in carrying out the relocation program. Staffing, working days and hours will be arranged to provide services conveniently available to all occupants of the Project Area.

4. Housing Referral Services

The referral procedure will be essentially one of personal contact, liaison, and assistance by the relocation consultant and/or staff. The relocation consultant and/or staff will work closely with each displacee until he or she is permanently rehoused, offering housing that meets their needs, and encouraging them to find suitable housing on their own initiative.

The Agency will maintain classified listings of private rental and sale housing that has previously been inspected and certified as meeting the Agency's relocation housing standards, which is available on an open-occupancy basis and which is not planned for clearance. Listings of vacancies will be provided to the displacee, arrangements will be made for the displacee to inspect the housing, and if necessary, he or she will be provided transportation and/or be accompanied on the inspection. The

displacee will be provided further referrals if, for reasonable cause, he or she is unable to accept an offered unit. The same procedure will be followed when a self-relocatee is found occupying sub-standard housing.

Displacees will be informed of the availability of VA and FHA acquired properties, and of any Section 8 housing that meets their needs. Listings of properties will be available so that they may be freely examined. The relocation consultant and/or staff will provide site residents with evidence of their eligibility for such housing, serve in a liaison capacity, and otherwise assist displacees in securing such accommodations.

Those displacees appearing eligible for and interested in public housing (including leased housing) will be referred to the San Diego Housing Commission and otherwise assisted in expediting their applications and placement. In turn, the Housing Commission will be requested to keep the Agency advised of actual or anticipated vacancies, in order that they may be utilized for eligible displacees.

5. Inspection of Relocation Housing

All housing offered to displacees will be inspected by the relocation consultant and/or staff in advance.

If, upon inspection, the housing occupied by a self-relocatee is found below standard, such relocation will be considered temporary, the occupant will be advised accordingly and offered standard housing. If the displacee refuses to accept further assistance, the obligation of the Agency to the relocatee will be considered fulfilled. In such instances, the matter may be referred to the Building Inspection Department with the objective of bringing the housing into conformity with local codes.

Housing occupied by relocatees moving outside the City of San Diego will be inspected, when possible, by the redevelopment agency of that City or by its building inspection department. When this is not possible, the claimant will be required to sign a certificate certifying that the dwelling is standard pursuant to Agency requirements and such self-relocation will be considered as permanent.

6. Self-Relocatees

Displacees finding their own housing will be urged to notify the Agency in advance so that the selected housing may be inspected beforehand. However, should the displacee move without giving notice or leaving a forwarding address, every effort will be made to locate the displacee promptly to determine the quality of the relocation housing and to assure that the displacee understands the relocation assistance to which he or she is entitled. Tracing

efforts will not be abandoned until appropriate contacts with the post office, utility companies, schools, employers, etc., have been made without success.

7. Referrals to Social Agencies

The relocation services offered by the Agency will be supplemented by those qualified professionals who will be directly responsible, in cooperation with the Agency, its staff, relocation consultant and other consultants and agents, for seeking and achieving solutions to the social and economic problems that may interfere with the successful relocation of a specific displacee or groups of site occupants.

The Agency has worked closely with many agencies and organizations that operate in the communities to interpret the redevelopment program and the anticipated needs of project area occupants. The Agency will continue to seek their assistance and cooperation during the relocation process.

Following are some agencies that have provided assistance on an as-needed basis, which are expected to continue.

Alcoholics Anonymous
St. Vincent De Paul, Joan Kroc Center
Salvation Army
Episcopal Community Services
Lutheran Social Services
Neighborhood House Endeavors
Vietnam Veteran's Outreach Center
Downtown Health Services
Travelers Aid
Catholic Community Services

This list is not intended to be all-inclusive. As the relocation consultant and/or staff determines the need, specific responses will be provided.

E. RELOCATION STANDARDS

It is the Agency's objective that all site residents be rehoused with a minimum of hardship in accommodations which are decent, safe, sanitary, and suitable to their individual needs; ~~located in areas not less desirable than the Project Area in regard~~ to public utilities and public and commercial facilities, reasonably accessible to their places of employment; and prices within their financial means. The standards set forth below have been established by the Agency to achieve these objectives.

The Agency shall make a good faith effort to relocate displacees within the Project Area unless they choose to relocate elsewhere.

Only housing which qualifies as standard under provisions of the Local Housing Code will be used as a relocation resource.

The following standards apply in measuring the quality and suitability of the housing to be offered by the relocation consultant and/or staff to a site occupant, or that which a self-relocatee has selected on his or her own initiative.

No persons or families of low and moderate income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced persons or families at rents comparable to those at the time of their displacement.

1. Physical Standards

- The roof, exterior walls, windows, and doors shall be weather proof and water tight and in safe, sound condition and good repair.
- The foundation, the interior walls and doors, and ceilings and floors shall be in safe, sound condition and good repair.
- Every stairway, exit door, fire escape, and elevator shall be in safe, sound condition, in good repair, and free from obstructions.
- Except in the case of concrete floor slab construction, the clearance between the ground and the floor joints shall be not less than 18" and such underfloor area shall be properly vented.
- All portions of a lot about or under a building shall be adequately drained and together with the building and parts thereof, shall be clean, free of rubbish, and of health, fire, and safety hazards.
- Every building shall be connected to the public water supply and sewers or septic tank, and every plumbing fixture, water and waste pipe shall be installed in an approved manner, sanitary and in good working condition.
- Every dwelling unit shall have adequate heating facilities which are installed in an approved manner, are safe and in good working condition.
- Every dwelling unit shall have a private lavatory and bathtub or shower, with hot and cold running water, and a suitable bathroom or compartment. Rooms including these fixtures shall have adequate

light and ventilation.*

- Every dwelling unit shall have a private kitchen containing not less than 50 square feet of superficial floor area, a sink with hot and cold running water and adequate light and ventilation.*
- Every sleeping room shall contain not less than 90 square feet of superficial floor area and at least one window opening directly to the outside. If more than two persons occupy a sleeping room, an additional 60 square feet of superficial floor area shall be required for each additional person. (See Occupancy Standards.)
- A cellar or unfinished attic shall not be used for living, sleeping, cooking or eating purposes. In any basement space used for living purposes, the walls and floors which are below ground level shall be waterproofed and dampproofed.
- Every room used for living purposes shall have not less than an 8' ceiling height and a window area of not less than 12 square feet or 1/8th of the superficial floor area, whichever is greater.
- Evidence shall be provided that, where required by ordinance, valid certificates of occupancy and health permits have been obtained.

*Exception --The requirements of these items shall not apply to a light housekeeping room which conforms fully to all the requirements of City ordinances relating to such accommodations and, further, in which occupancy is limited to one person.

2. Occupancy Standards

An otherwise standard dwelling may not be considered as standard for a specific family, unless it provides adequate sleeping space for all the family members. Living rooms should not be considered for sleeping purposes, except in the case of an efficiency or studio apartment. In the evaluation of dwelling units considered for relocatees existing building codes will be used as occupancy standards.

3. Displacee's Ability to Pay

The Agency will give consideration to the particular financial situation of each family or individual. Every effort

will be made to maintain the lowest possible housing cost-income ratio which, at the same time, provides the displacee adequate, decent, safe, and sanitary housing.

The amount of rental assistance a displacee is entitled to receive is based upon the following factors pursuant to the Relocation Rules and Regulations adopted by the Agency:

An eligible person who rents a replacement dwelling is entitled to a payment not to exceed \$5,250.00 for rental assistance. Such payment shall be 48 (or 42 if Federal Regulations apply) times the amount obtained by subtracting the base monthly rental for the displacement dwelling from the lesser of (unless Federal Regulations apply):

a. The monthly rent and estimated average monthly utilities for a comparable replacement dwelling; or

b. The monthly rent and estimated average monthly cost of utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person.

4. Base Monthly Rental for Displacement Dwelling

The base monthly rental for the displacement dwelling is the lesser of:

a. The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the Agency. (For an owner-occupant, use the fair market rent for the displacement dwelling. For a tenant who paid little or no rent prior to displacement, use the fair market rent, unless its use would result in hardship because of the person's income or other circumstances); or

b. Twenty-five (25) percent of the person's average gross household income. This standard shall apply, unless covered by Federal Regulations. (If the person refuses to provide appropriate evidence of income or is a dependent, the base monthly rental shall be established solely on the displacement dwelling rental rate. A full time student or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise.)

5. Temporary Housing Standards

Housing not meeting the Agency's established standards for permanent relocation will not be used for emergency temporary housing.

In no event will the temporary housing offered be of a less desirable character than that from which the site resident is

being moved, and such temporary housing shall be in a safe and habitable condition.

Temporary relocations made by the Agency will not diminish the Agency's obligation with respect to the displacee's permanent relocation. The necessary costs incurred in temporary moves made at the direction of the Agency will be paid in accordance with State and Department of Housing and Urban Development regulations.

If a self-relocatee moves into sub-standard housing and declines, without satisfactory reason, to accept standard housing to which he or she is referred, it will be considered that the Redevelopment Agency's responsibility to the relocatee has been discharged.

F. RELOCATION PAYMENTS AND PLAN FOR DISBURSEMENT

Relocation payments, as provided by the Act, the State Guidelines, and the Agency's Relocation Rules and Regulations will be paid to those displaced by Project activities. These benefits include:

1. Actual moving expenses, or an alternate payment of not less than \$1,000 nor more than \$20,000 for businesses; and/or an alternate payment for each residential household as established by a schedule authorized by Federal Regulations;
2. If displacement involves housing, an allowance for residential tenants of up to \$5,250 to assist in the purchase of a replacement dwelling or in the rental of a comparable rental unit;
3. If displacement involves housing, an amount not to exceed \$22,500 toward the purchase of a replacement dwelling for an owner-occupant, provided the claimant occupies the replacement unit;
4. Storage of personal property, generally not to exceed 12 months, if for reasonable cause and with prior Agency approval;
5. ~~Actual reasonable expenses in searching for a replacement business, not to exceed \$1,000.~~

The descriptions above are meant only as a brief summation of benefits.

At the discretion of the Agency, an additional benefit may be authorized. The additional payment would be for extraordinary circumstances.

The disbursement of all relocation benefits will be made in a timely and orderly manner. All claims for relocation benefits must be filed with the Agency within 18 months from (a) the date the claimant relocates from the property, or (b) the date on which final payment for the acquisition of the real property is made, whichever is later.

All required claim forms will be prepared by the relocation consultant and/or staff and all parts of the claim will be fully explained to the claimant. Any relocation claim submitted must be supported by the required documentation (i.e., replacement site rental verification, moving bill, closing escrow statement, income tax return, etc.). This will be verified by the relocation consultant and/or staff.

The claimant will be asked to sign prepared claim forms after it is established that the claimant understands all aspects of the claim. The claim forms will, along with a memorandum explaining the attached claim request, be forwarded to the Agency for review and recommendation. Approval of payment of any claims will be made by the Agency or its designee. Upon approval of the claim, payments will be initiated. When the acquired site has been vacated, the relocation payment will be made to the displacee.

At times, there is a need for advance relocation payments in the event of hardship. Most often, such payments are needed to assist the displacee in securing a replacement site or other related commitments. The relocation consultant and/or staff will expedite consideration of such reports.

G. RELOCATION OFFICE PROCEDURES

Whenever possible, the Agency will establish a site office, where the assigned relocation consultant and/or staff will work closely with all displacees and appropriate agencies in carrying out the relocation program. Staff, working hours and days will be arranged to provide services conveniently available to all occupants of the Project Area.

At such time as it is necessary to open and maintain a relocation site office, more specific procedures may be established; but in general, in addition to such specific services as may be offered by any relocation consultant with which the Agency may contract, staff shall be available, on a regular basis or by appointment at the displacee's convenience, to assist in relocation matters and to answer questions. In addition, the relocation consultant and/or staff will be available to go to the displacee's home or business site to assist in relocation matters on an "as-needed" basis.

H. CITIZEN PARTICIPATION

The Agency actively encourages the involvement of potential displacees in the hearing and planning stages of the redevelopment process. The Agency's Relocation Rules and Regulations were previously made available to the public prior to adoption by the Agency. As Supplemental Relocation Plans are prepared, the Project Area Committee or other advisory committee, as well as affected persons and businesses will be provided with an opportunity to review and comment upon such Supplemental Relocation Plans prior to their adoption.

I. COORDINATION ACTIVITIES

At such time as the Agency may make an offer to purchase property occupied by a person or business, the Agency's relocation consultant and/or staff will commence relocation activities. Among the coordinated activities are the following:

1. Personal on-site interviews will be conducted where the relocation consultant and/or staff will provide each potential claimant with an Informational Statement detailing benefits and eligibility.
2. After an analysis of needs, appropriate referrals will be made.
3. Claims for benefit payments will be prepared by the relocation consultant and/or staff for the claimant's signature. Signed claims will then be delivered to the Agency for approval and processing.
4. Benefit checks will be hand-delivered to the recipients.
5. If the displacement involves housing, any new housing chosen by the claimant will be inspected by the relocation consultant and/or staff for health and safety minimum standards. Any such claimant will be informed in writing of the inspection results.
6. The relocation consultant and/or staff will also contact and work with appropriate governmental and social service agencies to provide applicable assistance, including, for example, small business loans and housing subsidies.

J. FORMAL GRIEVANCE PROCEDURE

The Relocation Rules and Regulations adopted by the Agency include formal procedures to provide for adequate review of Agency relocation decisions. A copy of these Grievance Procedures is attached hereto as Exhibit C.

EXHIBIT A
INFORMATIONAL STATEMENT FOR FAMILIES AND INDIVIDUALS

This information will be helpful for you in determining your eligibility for and the amount of your relocation benefits. We suggest you save it for reference.

The dwelling in which you now live is in an area to be redeveloped by the Redevelopment Agency of the City of San Diego. Certain structures will be purchased by the Agency, vacated and demolished. As the redevelopment schedule proceeds, it may be necessary for you to move from your dwelling. You will be notified in a timely manner as to the date by which you must move. However, if you should desire to move sooner than required, you should contact your relocation representative in order that we may determine your relocation eligibility, if any, prior to your move.

WHEN THE PUBLIC ENTITY PURCHASES PROPERTY

As a result of the Agency purchasing the property in which you live, you may become a tenant of the Agency. If so, you will be asked to enter into a rental agreement with the Agency. The agreement will specify the rent to be paid, when rent payments are due, where rent payments should be paid, as well as other pertinent information.

Except for the eviction causes set forth below, no person lawfully occupying property which the Agency has purchased is required to move without at least 90 days written notice from the Agency (in the case of condemnation, this notice may be in the form of an Order for Prejudgment Possession). No one will be requested to move before they have been given an opportunity to obtain decent, safe, and sanitary housing, adequate in size and within their financial means, except in the case of an emergency such as a major disaster, a state of emergency declared by the Governor or President, or some other emergency which requires an immediate move to protect the occupants health or safety.

Eviction is undertaken only as a last resort and only for one or more of the following reasons:

1. Failure to pay rent;
2. Use of the premises for illegal purposes and/or maintaining a nuisance;
3. Committing a material violation of the rental agreement;
4. Refusal to accept one of a reasonable number of offers or accommodations meeting applicable relocation standards;
5. Continued refusal to admit or cooperate with Agency staff

or consultants;

6. Situations requiring eviction under State or local law.

When the Agency purchases property, it becomes the landlord and will contact each occupant concerning the rent and maintenance or services to be provided. Also, either a relocation consultant or Agency staff person will contact the occupant to help him or her in locating, obtaining and becoming established in a suitable replacement dwelling.

ASSISTANCE IN LOCATING A NEW HOME

When the Agency offers to purchase property that you occupy, it has a clear legal and moral obligation to assist you in finding housing which is decent, safe and sanitary, adequate in size, within your financial means, in a suitable location and available to all persons regardless of race, color, religion, national origin, sex, age or source of income. You will be assisted in obtaining housing of your choice, to the extent possible, including assistance in referring complaints of discrimination to the appropriate agency. You are urged to actively seek such housing yourself.

Upon finding a suitable dwelling unit, please first notify the relocation consultant or Agency staff person working with you, and give your proposed new address. We will carry out an inspection and advise you as to whether the dwelling unit meets the requirements for standard housing. If not, we will assist you in finding suitable housing. A standard housing unit is one that is not overcrowded and is weatherproof, with good heating and electrical wiring, and a good foundation.

If you are interested in public housing, other federally assisted rental or sale housing programs, FHA or VA loans, or conventional loans, we will help you file an application and also assist you in completing the transaction.

RELOCATION PAYMENTS

Because you are being displaced as a result of redevelopment activities, certain benefits will be available to you.

MOVING COSTS

Every person who must move as a result of displacement by the Agency may receive a payment to assist in carrying out his or her move. Two types of payments are available -- a fixed moving payment or reimbursement for actual moving expenses.

Actual Reasonable Moving Expenses

If you wish to engage the services of a licensed mover and

have the Agency pay the bill, you may claim the actual reasonable cost of moving your personal property up to 50 miles from the dwelling from which you are being displaced. These expenses may also include storage for up to 12 months.

The Agency will also pay the reasonable expenses necessary to "set-up" your new residence. These expenses may include utility installation, licenses, and necessary permits. Under appropriate circumstances, these expenses can also include the reasonable costs of additions to, improvements in or on a structure or premises in connection with the reassembling, reconnection or reinstallation of machinery, equipment or other personal property.

Fixed Moving Payment

Instead of hiring a mover and being reimbursed for actual reasonable moving expenses, you may elect to receive an expense and dislocation allowance which is fixed according to a schedule developed by the Agency, in compliance with State and Federal Regulations.

REPLACEMENT HOUSING PAYMENT - TENANTS AND CERTAIN OTHERS

You may be eligible for a payment of up to \$5,250 to assist you in renting or purchasing a standard replacement dwelling.

You must, however, be a tenant or former owner-occupant, and have lived in your present dwelling (from which you are being displaced) for at least 90 days prior to the Agency's first offer to purchase the property.

RENTAL ASSISTANCE - TENANTS

If you qualify, and wish to rent when you move, you will receive a rental assistance payment based on the difference between the rent you paid your landlord and the rent you must pay for a comparable replacement dwelling. However, if the amount of rent you have been paying exceeds 25 percent of your gross monthly income, your payment will be based on the difference between your ability to pay (25% of gross monthly income) and the rent you must pay for a comparable replacement dwelling. This difference is then multiplied by 48 (months) as the payment is figured to cover a four-year period, as provided by law.

DOWNPAYMENT ASSISTANCE

If you wish to purchase a home when you move, you may be eligible for a payment of up to \$5,250 toward the downpayment. This payment is based on the required downpayment, plus certain incidental costs required to purchase.

RENTAL ASSISTANCE - HOMEOWNERS

If you are a homeowner and choose to rent instead of purchase, you may be eligible for a rental assistance payment of up to \$5,250 to assist you in renting a replacement dwelling. The payment will be based on the difference between the economic rent for the unit you occupy and the actual rent you must pay for a comparable replacement dwelling.

REPLACEMENT HOUSING PAYMENT - HOMEOWNERS

If you owned and occupied a dwelling purchased by the Agency for at least 180 days prior to the first offer to purchase, you may be eligible to receive a payment of up to \$22,500 to assist you in purchasing a comparable unit. This payment may cover the following expenses.

1. Differential Payment - An amount equal to the difference between the prices paid by the Agency for the unit you occupy and the price you must pay for a comparable replacement unit. There are two basic methods used to determine the differential payment: the "schedule" method and the "one-to-one comparison" method. Both these methods will be explained to you in detail.
2. Interest Payment - If you have an existing mortgage and assume a new one on your replacement unit, you may receive an amount that will compensate you for a loss of favorable financing, if any.
3. Incidental Expenses - An amount to compensate you for costs incidental to purchasing a replacement unit, such as escrow fees, recording fees and credit report fees. Prepaid taxes, insurance premiums and loan fees are not considered incidental expenses.

The total of these three elements may not exceed \$22,500 and you must purchase and occupy a standard replacement unit within one year of the time you move from your present unit.

FILING OF RELOCATION CLAIMS

Claims for moving costs, fixed payments and replacement housing payments for tenants and certain others must be filed within 18 months from the date on which you receive final payment for the property acquired (if applicable) or the date on which you move, whichever is later. Claims for replacement housing payments for homeowners must be filed within 18 months of purchase and occupancy of replacement housing. Your relocation representative will assist in the preparation of relocation claims. RELOCATION PAYMENTS ARE NOT CONSIDERED INCOME FOR FEDERAL AND STATE INCOME TAX.

The payment of relocation benefits will not affect your Social Security, Old Age or any other State or County assistance payment.

APPEALS PROCEDURE - GRIEVANCES

Any person aggrieved by a determination as to the eligibility for a relocation payment or the amount of a payment, may have his or her claim reviewed or reconsidered in accordance with established appeals procedure. Complete details on appeals procedures are available upon request at the Agency.

ADDITIONAL INFORMATION AND ASSISTANCE AVAILABLE

Agency staff and relocation consultants will be happy to explain all matters pertaining to your tenancy and relocation in detail. Do not hesitate to ask questions of your relocation representative should you need clarification on certain items.

EXHIBIT B
INFORMATIONAL STATEMENT FOR BUSINESSES
AND NON-RESIDENTIAL DISPLACEDS

This information will be helpful for you in determining your eligibility for and the amount of your relocation benefits. We suggest you save it for reference.

The dwelling on which you now conduct business is in an area to be redeveloped by the Redevelopment Agency of the City of San Diego. Certain structures will be purchased by the Agency, vacated and demolished. As the redevelopment schedule proceeds, it may be necessary for you to move from your property. You will be notified in a timely manner as to the date by which you must move. However, if you should desire to move sooner than required, you should contact your relocation representative in order that we may determine your relocation eligibility, if any, prior to your move.

WHEN THE PUBLIC ENTITY PURCHASES PROPERTY

As a result of the Agency purchasing the property in which you live, you may become a tenant of the Agency. If so, you will be asked to enter into a rental agreement with the Agency. The agreement will specify the rent to be paid, when rent payments are due, where rent payments should be paid, as well as other pertinent information.

Except for the eviction causes set forth below, and except for post-acquisition tenants, no person lawfully occupying property which the Agency has purchased is required to move without at least 90 days written notice from the Agency (in the case of condemnation, this notice may be in the form of an Order for Prejudgment Possession). No one will be requested to move before they have been given an opportunity to obtain a suitable relocation site.

Eviction is undertaken only as a last resort and only for one or more of the following reasons:

1. Failure to pay rent;
2. Use of the premises for illegal purposes and/or maintaining a nuisance;
3. Committing a material violation of the rental agreement;
4. Refusal to accept one of a reasonable number of offers or accommodations meeting applicable relocation standards;
5. Continued refusal to admit or cooperate with Agency staff or consultants;

6. Situations requiring eviction under State or local law.

When the Agency purchases property, it becomes the landlord and will contact each occupant concerning the rent and maintenance of services to be provided. Also, either a relocation consultant or Agency staff person will contact the occupant to help him or her in locating, obtaining and becoming established in a suitable relocation site.

ASSISTANCE IN LOCATING A NEW SITE

When the Agency offers to purchase property that you occupy, it has a clear legal and moral obligation to assist you in finding a suitable relocation site for your business or organization. The Agency will provide assistance in locating relocation accommodations, including assisting you to consult with the Small Business Administration or other suitable governmental agency. You are also urged to find a relocation site on your own.

Upon finding a suitable relocation site, please notify the relocation representative working with you and give your proposed new address. We will carry out an inspection and advise you as to the extent of relocation benefits which may be applicable to the site.

DEFINITION OF A BUSINESS

A business, for purposes of relocation, is any lawful activity, except a farm operation, which is conducted:

1. For the purchase, sale, lease, or rental of personal or real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;
2. For the sale of services to the public; or
3. By a non-profit organization.

RELOCATION PAYMENTS

Because you are being displaced as a result of redevelopment activities, certain relocation benefits will be available to you.

REASONABLE SEARCHING EXPENSES

You may be eligible to receive a payment in an amount not to exceed \$1,000 for actual reasonable expenses incurred in searching for a replacement business site, including expenses incurred in:

1. Transportation;
2. Meals and lodging away from home;

3. Time spent in searching, based on an hourly rate of the salary or earnings of the displaced business owner or representative, but not to exceed \$10.00 per hour; and
4. Fees paid to a real estate agent, broker or other professional to locate a replacement site.

MOVING COSTS

Every person who must move as a result of displacement by the Agency may receive a payment to assist in carrying out his or her move.

Actual Reasonable Moving Expenses

You may claim the actual reasonable cost of moving your personal property up to 50 miles from the site from which you are being displaced. These expenses may also include packing and crating, moving, unpacking, storage (for up to 12 months) and transit insurance.

The Agency will also pay the reasonable expenses necessary to "set-up" your business or operation. These expenses may include utility installation, licenses, permits, professional service fees, reprinting of stationary, and reasonable advertising of your move. Under appropriate circumstances, these expenses can also include reasonable costs of additions to, improvements in or on a structure or premises in connection with the reassembling, reconnection or reinstallation of machinery, equipment or other personal property.

SUBSTITUTE EQUIPMENT

Where an item of personal property which is used in connection with the business is not moved, but is replaced with a comparable item, you may be eligible for a reimbursement in an amount not to exceed the lesser of:

1. The replacement cost of the personal property, minus the net proceeds (if any) realized from the sale of all or a part of the property; or
2. The estimated reasonable cost of moving the personal property, as determined by the Agency.

In order to be eligible for payment under this provision, you must make a bona fide effort to sell the personal property for which a substitute has been acquired at the highest price offered after reasonable efforts have been made to interest prospective purchasers. The Agency will reimburse you for the reasonable costs of your efforts to sell the property.

DIRECT LOSS OF TANGIBLE PERSONAL PROPERTY

If, as a result of displacement, you suffer an actual direct loss of tangible personal property, you may be eligible to be compensated for such loss in an amount not to exceed the estimated reasonable cost of moving the personal property, as determined by the Agency. This determination shall be made by appraising either:

- a. the in use value of the property minus the net proceeds from the sale of the property; or
- b. the in use value of the property in the event the property cannot be sold.

In order to be eligible for payment under this provision, you must make a bona fide effort to sell the personal property for which a substitute has been acquired at the highest price offered after reasonable efforts have been made to interest prospective purchasers. The Agency will reimburse you for the reasonable costs of your efforts to sell the property.

ACTUAL REASONABLE EXPENSES TO REESTABLISH A SMALL BUSINESS OR NONPROFIT ORGANIZATION

If you operate a small business or nonprofit organization, you may be eligible to receive an amount not to exceed \$10,000 to cover actual reasonable expenses necessary to establish your small business or nonprofit at your new site.

ALTERNATE PAYMENTS

If you wish to discontinue your business upon displacement, you may be eligible to receive an alternate payment from the Agency based upon the income received by your business or operation. The "Alternate Payment" is based upon the amount of income generated by your business for the two years prior to displacement and can range from \$1,000 to \$20,000. This payment is made instead of any other relocation benefit payment.

Criteria for Eligibility

1. The business cannot be relocated without a substantial loss of its existing patronage;
2. The business is not part of a commercial enterprise having at least one other establishment in the same or similar business which is not being acquired; and
3. The business has an average annual gross receipt of at least \$2,000 during the two taxable years prior to displacement, or had an average annual net earnings of at least \$1,000, or contributed at least 1/3 of the gross

income of the owner(s) during each of the two taxable years prior to displacement.

The details of any Alternate Payment application to your business will be provided by your relocation representative upon request.

FILING OF RELOCATION CLAIMS

Claims for relocation benefits must be filed within 18 months from the date on which you receive final payment for the acquisition of your real property (if applicable) or the date on which you move, whichever is later. Your relocation representative will assist in the preparation of relocation claims. RELOCATION PAYMENTS ARE NOT CONSIDERED INCOME FOR FEDERAL AND STATE INCOME TAX.

The payment of relocation benefits will not affect your Social Security, Old Age or any other State or County assistance payment.

APPEALS PROCEDURE - GRIEVANCES

Any person aggrieved by a determination as to the eligibility for a relocation payment or the amount of a payment, may have his or her claim reviewed or reconsidered in accordance with established appeals procedure. Complete details on appeals procedures are available upon request at the Agency.

ADDITIONAL INFORMATION AND ASSISTANCE AVAILABLE

Agency staff and relocation consultants will be happy to explain all matters pertaining to your tenancy and relocation in detail. Do not hesitate to ask questions of your relocation representative should you need clarification on certain items.

EXHIBIT C
EXTRACT FROM AGENCY RELOCATION RULES AND REGULATIONS

I. [S 1100] GRIEVANCE PROCEDURES

A. [S 1101] Right of Review

Any person who believes himself aggrieved by a determination as to eligibility, the amount of payment, the failure of the Agency to provide comparable permanent or adequate temporary replacement housing or the Agency's property management practices may, at his election, have his claim reviewed and reconsidered by the Agency or an authorized designee (other than the person who made the determination in questions) in accordance with the procedures set forth in Section 1100.

B. [S 1102] Notification of Decision

If the Agency denies or refuses to consider a claim, the Agency's notification to the claimant of its determination shall inform the claimant of its reasons and the applicable procedures for obtaining review of the decision. If necessary to provide the information in the language most easily understood by the recipient, such notification shall be printed in a language other than English.

C. [S 1103] Stages of Review

1. [S 1104] Request for Further Written Information

A complainant may request the Agency to provide him with a full written explanation of its determination and the basis therefor, if he feels that the explanation accompanying the payment of the claim or notice of the Agency's determination was incorrect or inadequate.

The Agency shall provide such an explanation to the complainant within three (3) weeks of its receipt of his request.

2. [S 1105] Informal Oral Presentation

A complainant may request an informal oral presentation before seeking formal review and reconsideration. The right to formal review and reconsideration shall not be conditioned upon requesting an informal oral presentation.

Within fifteen (15) days of the request the Agency shall afford the complainant the opportunity to make such presentation.

The complainant may be represented by an attorney or other person of his choosing. This oral presentation shall enable the complainant to discuss the claim with the Administrator of the Agency or a designee (other than the person who made the initial determination) having authority to revise the initial determination on the claim. The Agency shall make a summary of the matters discussed in the oral presentation to be included as part of its file.

3. [S 1106] Formal Review and Reconsideration

a. [S 1107] Request for Review

At any time within the period described in Section 1115, a complainant may file a written request for formal review and reconsideration by the Relocation Appeals Board. The complainant may include in the request for review any statement of fact within the complainant's knowledge or belief or other material which may have a bearing on the appeal. If the complainant requests more time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis therefor, the complainant may be granted additional time.

The Relocation Appeals Board shall consider every aggrieved person's complaint regardless of form, and shall, if necessary, provide assistance in preparing the written request for review.

b. [S 1108] Notice of Procedures

When a complainant seeks review, the Relocation Appeals Board shall inform him that he has the right to be represented by an attorney, to present his case by oral or documentary evidence, to submit rebuttal evidence, to conduct such cross-examination as may be required for a full and true disclosure of facts, and to seek judicial review once he has exhausted administrative appeal.

c. [S 1109] Review by Relocation Appeals Board

The Relocation Appeals Board shall promptly hear all complaints brought by aggrieved persons of a redevelopment project area relating to relocation and shall determine if the Agency has complied with the provisions of Chapter 4 of the California Community Redevelopment Law pertaining to relocation, the Relocation Assistance Law and Guidelines, these Rules and Regulations and where applicable, with federal law and regulations.

The Relocation Appeals Board shall, after public hearing, transmit its findings and recommendations to the Agency Board, including any recommendations for modification of the Agency's initial determination.

d. [S 1110] Scope of Review

The Relocation Appeals Board shall review and consider the initial determination of the Agency in the complainant's case in light of:

- (1) All material upon which the Agency based its original determination, including all applicable rules and regulations, except that no evidence shall be relied upon where a complainant has been improperly denied an opportunity to controvert the evidence of cross-examine the witness;
- (2) The reasons given by the complainant for requesting review and reconsideration of the claim;
- (3) Any additional written or relevant documentary material submitted by the complainant;
- (4) Any further information which the Relocation Appeals Board in its discretion, obtains by request, investigation, or research, to ensure fair and full review of the claim.

e. [S 1111] Findings and Recommendations by Relocation Appeals Board

The findings and recommendations on review by the Relocation Appeals Board shall include:

- (1) The determination of the Relocation Appeals Board whether the Agency has complied with State law and where applicable with federal law, pertaining to the relocation;
- (2) The recommendations of the Relocation Appeals Board, including any recommendations for modification of the Agency's initial determination;
- (3) The factual and legal basis upon which the findings and recommendations rest, including any pertinent explanation or rational;

- (4) A statement to the complainant that the findings and recommendations of the Relocation Appeals Board will be transmitted to the Agency Board for final administrative decision with respect to the claim.

The findings and recommendations of the Relocation Appeals Board shall be in writing and copies thereof shall be provided to the complainant and transmitted to the Agency Board.

The Relocation Appeals Board shall issue findings and recommendations as soon as possible, but no later than three (3) weeks from receipt of the last material submitted for consideration by the complainant or the date of the hearing, whichever is later. In the case of complaints recommended for dismissal for untimeliness or for any other reason not based on the merits of the claim, the time limit for issuing the findings and recommendations shall be reduced to ten (10) days.

f. [S 1112] Final Determination by Agency Board

(1) [S 1113] Scope of Review

After receipt of the written findings and recommendations of the Relocation Appeals Board, the Agency Board shall review and reconsider the initial determination of the Agency on the claim. The Agency Board may, but is not required to, conduct a hearing de novo with respect to the claim, as it deems necessary. The complainant shall be given at least ten (10) days written notice prior to the matter being heard.

The Agency Board shall base its final decision on the claim upon the record compiled in connection with the proceedings of the Relocation Appeals Board, and upon the record of the hearing (if any) held by the Agency Board.

(2) [S 1114] Final Determination

The final determination on review by the Agency Board shall include, but is not limited to:

- (a) The Agency Board's decision on reconsideration of the claim;
- (b) The factual and legal basis upon which the decision rests, including any pertinent explanation or rationale;
- (3) A statement to the complainant that administrative remedies have been exhausted, if such be the case, and that judicial review may be sought.

The final determination of the Agency Board shall be in writing and a copy thereof shall be provided to the complainant.

The Agency Board shall issue its determination as soon as possible, but no later than three (3) weeks from receipt by the Agency Board of the written findings and recommendations of the Relocation Appeals Board. In the case of complaints dismissed for untimeliness or for any reason not based on the merits of the claim, the time limit for issuing such determination shall be reduced to ten (10) days.

D. [S 1115] Time Limit for Requesting Review

Any request for review under Section 1105 and/or Section 1106 shall be filed in writing with the specified reviewing authority within thirty (30) days following the date the complainant receives notice of the decision being appealed. Such time limit may be extended for good cause by the Agency.

E. [S 1116] Stay of Displacement Pending Final Determination

If a complainant seeks to prevent displacement, the Agency shall not require the complainant to move until at least twenty (20) days after the Agency has made its final determination. In all cases the Agency shall notify the complainant in writing at least twenty (20) days prior to the proposed new date of displacement.

Any complaint seeking to prevent displacement must be brought within thirty (30) days of service by the Agency of the notice to vacate provided for by Section 1302 of these Rules and Regulations. Such notice to vacate must include notice that any complaint seeking to prevent displacement must be filed within thirty (30) days.

F. [S 1117] Joint Complainants

Where more than one person is aggrieved by the failure of the Agency to refer them to comparable permanent or adequate temporary replacement housing the complainants may join in filing a single written request for review. A determination shall be made as herein provided for each of the complainants.

G. [S 1118] Right to Counsel

Any aggrieved party has a right to representation by legal or other counsel at his expense at any and all stages of the proceedings set forth in Section 1100.

H. [S 1119] Review of Files by Claimant

Except to the extent that confidentiality of material is protected by law or its disclosure is prohibited by law, the Agency shall permit the claimant to inspect all files and records bearing upon his claim or the prosecution of the claimant's grievance. The Agency may impose reasonable conditions on such right to inspect. If a claimant is improperly denied access to any relevant material bearing on the claim, such material may not be relied upon in reviewing the initial determination.

I. [S 1120] Recommendations by Third Party

Upon agreement between the claimant and the Agency, a mutually acceptable third party or parties may review the claim and make advisory recommendations thereon to the Agency for its final determination. In reviewing the claim and making recommendations to the Agency, the third party or parties shall be guided by Section 1100 of these Rules and Regulations.

J. [S 1121] Effect of Determination on Other Persons

The principles established in all determinations by the Agency shall be considered as precedent for all eligible persons in similar situations regardless of whether or not a person has filed a written request for review. All written determinations shall be kept on file and available for public review.

K. [S 1122] Judicial Review

Nothing in these Rules and Regulations shall in any way preclude or limit a claimant from seeking judicial review of his claim upon exhaustion of such administrative remedies as are available under Section 1100.
